

Rules Must Be Changed To Recognize Historic Storms

February 17, 2010

Washington, D.C. – After a historic February blizzard that threatened the public’s health and safety, Congressmen Tim Murphy (PA-18) and Joe Sestak (PA-7) are leading the Pennsylvania Congressional delegation in calling on FEMA to exercise its special authority and help towns and boroughs without the capabilities to clean up and rebuild following a catastrophic weather event.

Under a November 2009 FEMA rule change, the winter storm may not qualify for Federal Disaster Assistance because the record snowfalls did not occur within a 48-hour period in many municipalities. Reps. Murphy and Sestak want the FEMA administrator to exercise the agency’s authority to waive the 48-hour rule (see attached letter). The rules are too inflexible to account for given once-in-a-lifetime storms. Meanwhile, communities are assessing the impact of the storm as the governor and the Pennsylvania Emergency Management Agency prepare a formal request for federal disaster relief.

“The situation has become a crisis for many communities having to cope with debris, power outages, and collapsed buildings,” said Congressman Tim Murphy. “Our towns and boroughs do not have the capacity to respond to a blizzard that threatens the public’s health. Federal disaster assistance is sorely needed.”

“I understand that we cannot have undue advantage taken of these emergency funds; however, we have situations in so many communities where there is a clear and urgent need, following the recent severe weather” said Congressman Sestak. “Municipalities are already stretched thin throughout the state and the exception for extraordinary cases should be designed for just this

type of disaster relief. I urge FEMA to act on this case in a timely manner so our state can recover as quickly and fully as possible from a particularly difficult couple of weeks.”

The delegation also called on the Agency to revise its Snow Assistance and Severe Winter Storm Policy. The current rule excludes consideration of the “cumulative effect of snow on the ground” in assessing a community’s eligibility for assistance. State and local governments that suffer from severe but drawn out snowfall may not meet the qualifications for federal assistance.

The letter was signed by the following members of Congress: Tim Murphy, Joe Sestak, Robert Brady, Jim Gerlach, Patrick Murphy, Jason Altmire, Bill Shuster, Chaka Fattah, Paul Kanjorski, Mike Doyle, Kathy Dahlkemper, and Joe Pitts. Text of the letter follows:

February 16, 2010

The Honorable W. Craig Fugate
Administrator
Federal Emergency Management Agency
500 C Street S.W.
Washington, D.C. 20472

Dear Administrator Fugate,

As you know, in the past two weeks, many counties across the Commonwealth of Pennsylvania received record snowfalls as the combined result of two storms. The first storm was severe enough that communities across the state were unable to recover from its impact before the second storm hit approximately 72 hours later. As a result, many counties and local municipalities across the Commonwealth are in need of Federal assistance to recover from these serious winter storms, which continue to hinder normal operations. Unfortunately, under a revised Federal Emergency Management Agency (FEMA) Rule made final on November 2, 2009, this winter storm potentially does not qualify for Federal Disaster Assistance because the record snowfalls did not occur within a 48-hour period in many municipalities.

Therefore, in anticipation of the Commonwealth's request for Snow Assistance, we urge you to exercise your right under current law to make an exception to the rule in the case of Pennsylvania, where county authorities, as well as local municipalities are in dire need of Federal assistance to manage the clean up from this storm. Surely, as you know well from your work at the Federal Emergency Management Agency, disasters and emergencies do not always occur within arbitrary time frames. We understand the need for regulations to ensure that Federal assistance is not taken advantage of. However, current law permits FEMA to make an exception to the rule in extraordinary cases such as this one. We urge you to exercise that right by making an exception to the 48-hour rule and recommending to President Obama that Federal Disaster Relief be provided to Pennsylvania.

Looking forward, we encourage you to review the November 2, 2009 rule change to FEMA's

Snow Assistance and Severe Winter Storm Policy, which excludes consideration of the “cumulative effect of snow on the ground” in assessing a municipality or county’s eligibility for Snow Assistance. Under this rule change, local and state governments that suffer from severe, but drawn out snowfalls, may fall short of the criteria for assistance— despite a clear and urgent need.

We look forward to working with you to ensure that the Federal Government provides needed support to the Commonwealth of Pennsylvania and its citizens in the recovery from this monumental storm.